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SPECIFIC GROUPS AND INDIVIDUALS:
(c) MASS EXODUSES AND DISPLACED PERSONS

Report of the Representative of the Secretary-General on Internally Displaced Persons, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1999/47

Addendum

The Representative of the Secretary-General on Internally Displaced Persons has the honour to transmit to the Commission a summary report of the Workshop on Implementing the Guiding Principles on Internal Displacement, held in Bogotá, Colombia, from 27 to 29 May 1999 and sponsored by the Brookings Institution Project on Internal Displacement, the Grupo de Apoyo a Organizaciones de Desplazados (GAD) and the U.S. Committee for Refugees (USCR).

Annex

Summary report of the Workshop on Implementing the Guiding Principles on Internal Displacement, held in Bogotá, Colombia, from 27 to 29 May 1999

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ACKNOWLEDGEMENTS

The Brookings Institution Project on Internal Displacement is grateful to Bjorn Pettersson for preparing this English summary of the Spanish report of the Workshop on Implementing the Guiding Principles on Internal Displacement, which was held in Bogotá , Colombia, from 27 to 29 May 1999 and sponsored by the Brookings Project, the Grupo de Apoyo a Organizaciones de Desplazados (GAD) , and the U.S. Committee for Refugees (USCR). The Spanish report of the workshop, Memorias: Seminario de Divulgacion en Colombia de los Principios Rectores de los Desplazamientos Internos (1999), contains the transcript of the workshop together with a comprehensive summary, totals 310 pages and was compiled by Juan Manuel Bustillo and Carlos Huerta.

Bjorn Pettersson, the author of the English summary, represented the Bogotá, Colombia Office of the United Nations High Commissioner for Human Rights (OHCHR) at the workshop. For two and a half years, Mr. Pettersson served as the IDP Focal Point for OHCHR Colombia and earlier as a UNICEF child rights advocate in Colombia with specific IDP responsibilities.

I. INTRODUCTION

1. From 27 to 29 May 1999, a Workshop on Implementing the Guiding Principles on Internal Displacement was held in Bogota, Colombia. The Guiding Principles on Internal Displacement[1] constitute the first international standards specifically tailored to the needs of internally displaced persons (IDPs), encompassing prevention, protection and assistance, return, reintegration and development.

2. The workshop was jointly convened by the Brookings Institution Project on Internal Displacement (Washington D.C.), the Grupo de Apoyo a Organizaciones de Desplazados (GAD), (Bogotá),[2] and the U.S. Committee for Refugees (Washington D.C.).

3. The main objective of the workshop was to disseminate and promote implementation of the Guiding Principles in Colombia through a detailed analysis of the degree to which the Guiding Principles are currently being applied. For this purpose, the convening organizations invited to the workshop representatives of the Government of Colombia, United Nations agencies present in Colombia, the International Committee of the Red Cross (ICRC), national and international non-governmental organizations (NGOs), the Catholic Church, as well as representatives of communities of IDPs.

4. On the first day of the three-day workshop, the Representative of the Secretary-General on Internally Displaced Persons, Francis M. Deng, provided an historical overview of his mandate and the evolution and goals of the Guiding Principles, as well as his vision of their future implementation. Roberta Cohen, Co-Director of the Brookings Institution Project on Internal Displacement, introduced the Guiding Principles and discussed in particular the opening General Principles (1-4) and the role and responsibility of States, regional organizations, United Nations agencies and NGOs in the application of the Principles.

5. Thereafter, invited speakers from the national and international community presented their views on the current state of implementation of the Guiding Principles in Colombia and identified ways to enhance application of the Principles in the future. Each speaker addressed specific Principles and, overall, covered prevention, protection during displacement, humanitarian assistance, and return and resettlement. This was followed by a general discussion of how best to apply the Principles in Colombia. The results of the discussion are summarized in this report.

II. THE GUIDING PRINCIPLES

6. Based on existing human rights law, humanitarian law and refugee law by analogy, the Guiding Principles on Internal Displacement identify the rights of internally displaced persons and the obligations of Governments, insurgent forces and other relevant actors in all phases of displacement - before displacement occurs (that is, protection against arbitrary displacement), during situations of displacement and in the return and reintegration phase.

7. They were developed by a team of international legal experts working under the direction of the Representative of the Secretary-General on Internally Displaced Persons and were presented to the United Nations Commission on Human Rights in April 1998. Although not a legally binding document, as such, the Principles reflect and are consistent with international human rights law, international humanitarian law and refugee law by analogy.

8. The Principles are intended to provide guidance not only to Governments but also to the international community, particularly to the agencies of the United Nations, other international humanitarian and development organizations, regional bodies and NGOs. In a relatively short period, the Principles have gained some standing and authority. The Commission on Human Rights and the Economic and Social Council, in unanimously adopted resolutions and decisions, have acknowledged the Principles, as have regional bodies such as the Inter-American Commission on Human Rights of the Organization of American States (OAS) and the Organization of African Unity (OAU). The Inter-Agency Standing Committee (IASC) of the United Nations, comprising the heads of the major international relief, development and human rights agencies and NGO groupings, has welcomed the Guiding Principles and has called upon its member agencies to disseminate them and encourage their staff to make use of them in the field in their activities relating to IDPs.

9. Workshop participants agreed that the Guiding Principles constitute an extremely useful tool for practitioners and policymakers alike, be they within a government structure, a non-governmental organization or an international organization. Therefore, it was felt that the common goal should be to disseminate the Principles as widely as possible and make use of them both as a guide when designing policies for IDPs and a benchmark when monitoring situations of internal displacement.

10. A first step in this direction has been taken by the Office of the United Nations High Commissioner for Human Rights in Colombia which has used the Guiding Principles in several public statements on IDP issues. In addition, the Principles constitute one of the operational guides for the recently launched UNHCR programme in Colombia. Other organizations, such as the ICRC, regularly make use of the Principles in their daily work with IDPs in Colombia.

11. More recently, during his visit to Colombia in May 1999, the Representative of the Secretary-General on Internally Displaced Persons introduced and explained the Guiding Principles to large numbers of governmental and non-governmental representatives. Such first steps to make practical use of the Principles have been well received by Colombian authorities and the public at large. Moreover, the Principles provide a common ground and constitute a universal benchmark for governmental and non-governmental practitioners and policymakers pooling their expertise and skills on behalf of IDPs.

III. INTERNAL DISPLACEMENT IN COLOMBIA

12. During the second half of the 1990s, the number of internally displaced persons in Colombia has increased dramatically. At the same time, efforts to address the causes of displacement, to protect and assist IDPs and to provide safe and voluntary opportunities for return, resettlement and reintegration have been insufficient.

13. In the framework of the ongoing internal armed conflict, serious, gross and systematic human rights violations and large-scale breaches of international humanitarian law have forced a growing number of individuals and entire communities to leave their homes. While the Government of Colombia estimates that some 381,000 persons were displaced during the period 1996-1998,[3] non-governmental sources, used by the National Human Rights Ombudsman's Office, report that approximately 750,000 Colombians were forcibly displaced during those same years.[4] According to this same source, the total number of IDPs in Colombia today is around 1.5 million.

14. Most IDPs report having been uprooted as a result of threats to their lives, followed by displacement caused by massacres, extrajudicial executions, torture and forced disappearances. According to non-governmental sources, approximately 54 per cent of those displaced fled as a result of paramilitary action, 29 per cent were displaced by insurgent groups and some 6 per cent by the Colombian army and police.

15. Displacement in Colombia is no longer solely a result of grave violations of human rights and humanitarian law, but also a deliberate strategy to "cleanse" regions of populations suspected of being sympathetic to armed opposition groups. Areas like the Bajo Atrato and the south of Bolivar, long dominated by guerrilla forces, have experienced massive displacement in recent years as paramilitary groups have moved in. Growing competition for control of different regions has thus increased displacement as each side seeks to "cleanse" the areas of populations suspected of being sympathetic to the other side.

16. In addition, a process of accumulation of land, often through violent means, has forced many peasants to abandon their land under threat from large landowners or their agents. In such cases, the peasants displaced often do not have formal land titles despite having purchased or inherited the land in question. The exploration and exploitation of natural resources, as well as the undertaking of large-scale development projects, have also caused displacement.

17. The majority of Colombian IDPs flee individually or with their extended family. Most commonly, displacement in Colombia follows a pattern of peasants leaving the rural areas looking for safety and humanitarian assistance in the municipal or provincial capitals. From there, many IDPs continue on to the larger cities in search of economic opportunities and/or protection. As a result, many IDPs eventually end up in Bogotá, Medellin or other large cities, adding to the numerous groups of Colombians already in need of social support services in the urban slums.

18. Today, IDPs originate from practically all Colombian departments, but Antioquia, Bolivar, Choco, Cordoba, Santander and Norte de Santander continue to be the most affected. In addition, Cesar, Meta, Magdalena and Tolima present serious situations. The intensification of the internal conflict in Colombia continues to bring new areas into dispute and with it, new displacement.

19. Since 1996, Colombia has increasingly been experiencing collective and mass displacement in addition to the small-scale displacement of individuals and families. This expansion of massive displacement poses new challenges to Colombian and international efforts

to cope with the IDP crisis. For the first time, IDP camps have had to be set up, primarily in the region of Uraba. Through extensive media coverage, particularly of the Pavarando camp, IDPs have become visible to the Colombian people and to the international community, thereby increasing public awareness of the issue.

20. Despite the scope of the IDP crisis in Colombia, the Government has been relatively slow to develop policies and implement prevention and protection programmes. In 1995, the National Council on Economic and Social Policy (CONPES) adopted a National Programme for IDPs. However, the programme lacked financial resources and was never fully implemented. In 1997, an institutional framework to address the issue was put in place and national IDP legislation was adopted. With few exceptions, the new legislation (Law 387 on Internal Displacement) was developed in line with international norms, including those providing the basis for the Guiding Principles. Since then, the change of government in Colombia has brought with it new institutional arrangements. In March 1999, the Government decided to discontinue the system of a Presidential Counsellor for Internal Displacement and formally assigned IDP responsibilities to the Social Solidarity Network (Red de Solidaridad Social), a decentralized social welfare network.

IV. IMPLEMENTATION OF THE GUIDING PRINCIPLES IN COLOMBIA

A. General principles (Principles 1-4)

21. Principles 1 to 4 underscore that displaced persons enjoy the same rights and liberties as all other citizens and cannot be discriminated against on the basis of their displacement. Denial of basic services to persons in Colombia because they are displaced or the stigmatization of displaced persons contravene the spirit and letter of the Principles.

22. The term "Internally displaced persons" contained in the introduction to the Guiding Principles, is descriptive; it does not change a person's legal status or his or her rights as a citizen of a particular country.

23. The Principles apply equally to all displaced persons, independent of their ethnic or social origin, race, religion, sex or other similar characteristics. At the same time, the Principles recognize that certain vulnerable groups among the displaced, such as children, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, might need special attention.

24. The primary duty to provide that attention and protection lies with the national authorities. However, the Principles should also be observed by non-State actors, such as armed opposition groups, without affecting the legal status of those actors.

B. Prevention of and protection from displacement (Principles 5-9)

25. The workshop focused on Principles 5, 6 and 9, since forced displacement directly ordered by the authorities, as described in Principles 7 and 8, is not common in Colombia. Rather, the most frequent direct cause of internal displacement in Colombia is the violation of

human rights and humanitarian law. Workshop participants referred to the 1999 report of the United Nations High Commissioner for Human Rights which described these violations as "serious, gross and systematic" [5]

26. Participants concluded that while the underlying causes of displacement in Colombia are multiple (the internal armed conflict, land disputes, large-scale development projects, etc.), violations of human rights and humanitarian law are most often the immediate cause of displacement. It was therefore argued that a drastic improvement in respect for human rights in Colombia would be the most effective way to prevent displacement. Such improvement will depend on the implementation of firm protection measures, as well as efficient judicial measures to prosecute human rights violators, in compliance with international and national human rights instruments. Unfortunately, numerous recommendations made by the United Nations (for example, in reports of OHCHR, the Representative of the Secretary-General, special rapporteurs and United Nations treaty bodies), the Inter-American Commission on Human Rights and a large number of national and international human rights NGOs have not been fully complied with, leaving the Government of Colombia, as well as the national and international human rights communities, with an urgent challenge.

27. However, participants argued that even if displacement is triggered by human rights violations which take place in the framework of the internal conflict, preventive measures can be taken while the conflict is still going on. Colombian society and the international community cannot wait for an uncertain peace process to conclude while hundreds of thousands of Colombians are displaced every year.

28. Having concluded that displacement is the result of violations of human rights and humanitarian law, workshop participants went on to discuss how internal displacement is not only the result of armed conflict but a strategy to militarily control disputed areas populated by communities perceived as supporters of the enemy. Such "cleansing" of the population was classified as a flagrant violation of Principle 6, which explicitly guarantees the right to protection against arbitrary displacement.

29. Once the indirect and direct causes of displacement had been identified, participants went on to analyse the extent to which the Guiding Principles were being applied to address prevention and protection from displacement. It was agreed that the overwhelming majority of the human rights violations that led to displacement had been foreseeable and that there was therefore considerable scope for preventive measures. In many cases, authorities were even informed that human rights violations and displacement might take place. The Colombian Ombudsman's Office reported that more than 50 per cent of the massacres registered in 1998 were actually announced. In Colombia, numerous individuals, institutions and organizations often provide the local and national authorities with information indicating that such violations might take place. Also, the OHCHR Colombia Office regularly provides the Government with such information, and UNICEF Colombia supports an "early warning system" developed by the Consultancy on Human Rights and Displacement (CODHES).

30. The workshop recognized the efforts of these "early warning" initiatives, but stressed the necessity to establish a system within an appropriate institution of the Colombian State, possibly in the Ombudsman's Office. Furthermore, it was agreed that an efficient "early warning system" should be matched by an "early action system" responding to the information produced. Concretely, such a preventive response could consist of:

The army dispatching troops to the locality to address the security threat and protect the population;

The initiation of a judicial investigation into violent acts threatening the community; and the increased presence of other State institutions (health, education, etc.).

31. As an additional measure, the international community was called upon by the Colombian participants to enhance its physical presence in areas of the country where the human rights situation is particularly critical.

32. Participants also pointed out that the establishment of the Observatory on Internal Displacement, a multi-institutional forum for discussion of governmental policy and recent trends in the IDP situation (contemplated in article 13 of Law 387 on Internal Displacement, but not yet in place), could serve as an important source of information to feed into a system of preventive measures.

33. Another IDP structure charged with preventive responsibilities in the framework of Law 387, the Municipal IDP Committees, were described by some participants as "too close to the agents of expulsion" and hence too vulnerable to be able to take measures against, or even report on, perceived threats to the community.

34. It was concluded that Guiding Principle 9 protecting "indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands" from displacement had not been sufficiently implemented in Colombia. The Ombudsman's Office reported that over 7,000 indigenous persons had been displaced during the last two years and that 127 indigenous leaders had been assassinated during that same period. In addition to the preventive measures already discussed, it was suggested that the indigenous communities' land rights be strengthened. Traditional land ownership should be formalized and new titles issued. Participants also stressed the importance of a systematic review of the impact of development projects on indigenous communities and their right not to be displaced from their land.

C. Protection during displacement (Principles 10-23)

35. Having thoroughly analysed the current state of implementation of the Guiding Principles on protection during displacement (Principles10-23), most participants expressed deep concern over an apparent gap between Colombian law, in large measure consistent with international norms, and the reality faced by IDPs in Colombia.

36. On numerous occasions, IDPs have been attacked by armed actors. Accused of supporting one armed group or another, IDPs have been tracked down either in collective settlements or in neighbourhoods with a high concentration of displaced people. Sometimes they have been the victims of generalized attacks while on other occasions specific individuals, in particular their leaders and spokespersons, have become the victims of killings, personal injury and enforced disappearance.

37. During the seminar, several particularly grave cases of attacks on IDPs were discussed in order to illustrate the phenomenon and identify effective protection measures. Several participants expressed concern over the situation of those IDPs who have declared themselves "Communities of peace", in particular in the region of Uraba. Although characterized by their explicit commitment to non-involvement with armed actors, these communities were repeatedly under attack during the first half of 1999, resulting in the assassination of several of their leaders.

38. In addition to hard core protection measures, it was suggested that the Government of Colombia should initiate a public information campaign in order to combat the stigmatization of IDPs as parties to the conflict. This campaign should target the Colombian armed forces, local authorities and the public at large.

39. During the discussion of forced recruitment of IDPs (Principle 13), participants referred to a report by the Ombudsman's Office, which documented the recruitment of minors by all armed actors. It was concluded that recruitment of minors and forced recruitment are issues of great concern to the IDP community. The workshop called upon all armed actors to cease this practice.

40. Examining protection against forcible return to dangerous areas (Principle 15), participants expressed profound concern that returnees often come under attack by armed actors and are forced to flee a second or third time. It was agreed that IDPs should not be encouraged to return to their places of origin unless appropriate State institutions can guarantee their physical safety, as well as provide acceptable and sustainable living conditions. Before return is encouraged, all illegal forces should be neutralized and full control of the area guaranteed. At the same time, participants acknowledged the difficulties faced by the Government and the armed forces responsible for the safety of Colombian citizens in an ever-changing security situation.

41. While acknowledging that the scope of the IDP crisis in Colombia had become an overwhelming challenge for the Government, national and international participants profoundly lamented the internally displaced population's insufficient access to food, shelter, clothing and medical care. Already in 1998, the Bogota office of OHCHR publicly communicated this concern to the Government of Colombia, making a direct reference to the guarantees afforded to IDPs in Guiding Principle No. 18. Unfortunately, most participants, including IDP spokespersons, claimed that the situation for IDPs had not improved.

42. Non-governmental participants, including representatives from the international community, repeatedly addressed the limited possibility of IDPs to enjoy their basic rights. The content and the administration of the existing governmental IDP support activities were sharply criticized. Most participants felt that these activities were initiated without sufficient knowledge

of the IDPs' most urgent needs, their cultural context or their capacity to contribute actively to the solution of their own situation. Many governmental support activities were said to be limited to handouts, lacking consistency and without contemplating durable solutions. Support to individual IDPs was seen as bureaucratic, insufficient and arbitrary.

43. Several participants, including the Catholic Church, expressed concern that cumbersome bureaucratic procedures could impede IDP access to humanitarian assistance and durable solutions. It was suggested that procedures be simplified, streamlined and clearly communicated to the intended beneficiaries. IDPs should not have to return to their communities of origin in order to secure proof of actually being displaced.

44. It was pointed out that increasingly IDP communities have had to negotiate with the Government and put pressure on the authorities, through public demonstrations, to secure access to the humanitarian assistance contemplated in Law 387. When these protests have failed to lead to improved fulfilment of their basic rights, groups of IDPs have resorted to sit-ins and takeovers of public buildings. In Colombia, leaders of social protests are often stigmatized as leftist guerrilla sympathizers and targeted on this basis. IDP leaders have suffered the same fate.

45. In accordance with Principle 20, the workshop recognized the importance of providing IDPs with all appropriate documents necessary for the enjoyment and exercise of their legal rights. Participants expressed concern that a large number of Colombian IDPs currently lacked such documentation. To address this problem, the field offices of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the ICRC in collaboration with the Ministry of the Interior, the Registry Office (Registraduria) and the Social Solidarity Network have initiated a joint documentation programme, which the workshop considered to be an important measure.

46. Finally, it was suggested that the Government of Colombia, United Nations agencies, and national and international NGOs should enhance coordination of their efforts in order to improve protection for IDPs. The workshop stressed that such coordination would not diminish the State's responsibility vis-à-vis displaced communities nor compromise the independence of NGOs.

D. Humanitarian assistance (Principles 24-27)

47. Participants, including government representatives, agreed that the Colombian authorities must assume the main responsibility for the provision of humanitarian assistance to IDPs, while contributions from international organizations and NGOs should only be supplementary. However, some participants expressed concern that, in reality, national and international NGOs have had to shoulder too heavy a burden, without receiving support or recognition from the Government of Colombia.

48. On this issue, the Colombian government representative suggested a programme of closer cooperation and coordination with NGOs and international agencies. He further emphasized that such coordination should be both thematic and geographic in order to establish clearly who is doing what in which region and thereby make optimal use of existing resources.

49. The NGO community expressed strong interest in a dialogue with the Government, and the meeting advocated the convening of one so that NGOs could share an accumulated wealth of best practices with the new administration and provide constructive criticism of existing policies and programmes. Unfortunately, the Government's offer to set up a "round table" (Mesa de Trabajo Mixta) with the NGOs has not yet been implemented.

50. At the meeting, the government representative also underlined the need to decentralize the provision of humanitarian assistance, which has not yet been carried out at the local level. It was suggested that such decentralization could be stimulated by the setting up of a UNHCR-proposed Joint Technical Unit (Unidad Tecnica Conjunta) made up of government officials, representatives of the international community and national NGOs. This unit could provide technical assistance to local authorities, and later monitor and evaluate the programmes providing humanitarian assistance to IDPs.

51. Another government representative informed the workshop that the Government's special Fund for Peace would dedicate approximately 100 million dollars to humanitarian assistance for displaced communities during the next five years, and that the Social Solidarity Network, currently charged with assistance to IDPs, would contribute additional funds.

52. During the discussion of Principle 27, it became clear that the humanitarian organizations operating in Colombia did not have an easy task trying to combine assistance to IDPs with protection and human rights monitoring. Recent developments, particularly in the Uraba region, underscored how difficult it was for humanitarian organizations to be seen as neutral and to gain the confidence of local armed actors while at the same time "giv[ing] due regard to the protection needs and human rights of internally displaced persons and tak[ing] appropriate measures in this regard".[6] The workshop, therefore, called on all armed actors to respect fully the important humanitarian work of national and international organizations currently providing assistance and protection to IDPs in Colombia.

E. Principles relating to return, resettlement and reintegration (Principles 28-30)

53. Workshop participants engaged in a particularly constructive discussion about Guiding Principle 28 regarding voluntary and safe return, resettlement or reintegration, which are issues of foremost importance to Colombian IDP communities. Participants, including governmental representatives, agreed that return and resettlement processes had thus far not been successfully implemented, and sometimes had led to new displacement.

54. The workshop identified five core components for successful return, resettlement or reintegration, as covered in Guiding Principle 28:

Favourable conditions;

Sufficient means;

Appropriate safety measures;

Voluntary nature of return, resettlement or reintegration; and

IDP participation.

55. It was noted that favourable conditions for return could only be achieved if the fundamental causes of displacement were addressed and the State fully implemented the multiple recommendations made by the international community in regard to the protection of human rights and humanitarian law in Colombia.

56. Personal safety was identified as the foremost concern of returnees and IDPs resettling in rural areas. Participants underlined the importance of increasing the presence in rural areas of State institutions such as the National Human Rights Ombudsman's Office, the Human Rights Unit of the Ministry of the Interior and the different institutions of the judiciary. Also, it was suggested that the Government should promote the establishment of "humanitarian accords" with armed groups to protect returning IDPs. Some participants called on the international community to increase its presence in the field in order to monitor the safety of returning and resettling IDPs.

57. Considering that most Colombian IDPs are destitute or poor, participants expressed concern that insufficient means have been put at their disposal during the critical phase of return or resettlement, which could undermine durable solutions. IDP spokespersons and participants working directly with returning communities gave detailed testimonies of how returnees often face a total lack of infrastructure and work tools, as well as limited access to food, housing and medical care in the areas to which they return or in which they resettle. The lack of means frequently forces them to enter into prolonged "negotiations" with local and national authorities and sometimes to abandon their land again.

58. A number of situations of returnees who became victims of human rights violations were discussed, particularly the tragic events in the south of the department of Bolivar and in the municipality of Riosucio, Choco. In both cases, numerous returning IDP spokespersons were assassinated and entire communities threatened, despite having received written safety guarantees from the Government. Given this situation, the workshop urged the Government to maximize protection measures for returning IDP communities.

59. As set forth in Guiding Principle 28, return and resettlement have to be voluntary. Most participants stated that Colombian IDPs have not been directly forced to return or resettle. However, it was pointed out that indirect pressure and a general lack of alternative durable solutions had forced many displaced persons to return to their communities of origin. Insufficient humanitarian assistance or a total lack of it reportedly often left IDPs with no choice but to return to unsafe areas where at least they might have access to housing and basic foodstuffs. Some participants also expressed concern that municipal authorities, already operating under significant budget constraints, were discouraging IDPs from resettling in municipal centres. To promote IDP return, local authorities allegedly gave overly optimistic safety guarantees, issued by local army commanders.

60. The workshop recognized that IDP participation in the design, implementation and evaluation phases of return, resettlement and reintegration programmes is essential for sustainable solutions. Regrettably, direct IDP participation has not been a standard feature of such projects.

61. The Municipal Committees for the Internally Displaced (local inter-institutional working groups created by Law 387) are supposed to include representatives of the displaced communities. However, workshop participants reported that the IDPs are commonly not included in these committees and, when they are, they face the challenge of having to make their voices heard in an environment highly unfamiliar to them.

62. Participants reported that direct IDP involvement often came about through NGO mediation. But even though greater IDP participation was desirable, concern was expressed that it could expose community leaders, already at risk, to further danger.

63. Formal discrimination against returnees and resettled persons, against which Principle 29 protects, does not occur systematically, but takes on a more subtle form. In the framework of an extremely polarized conflict, persons displaced by one actor are often stigmatized as active participants in the conflict, suspected of favouring the enemy. Fellow citizens, sometimes including local and regional authorities, tend to stigmatize IDPs socially as a problematic group of people rather than recognize them as victims of human rights violations. The workshop therefore emphasized the need for a national campaign sensitizing citizens to the issue of displacement, as well as to the need to treat IDPs as persons with rights who have been victimized rather than as a social or a security problem.

64. The workshop recognized the difficulties involved in the application of Guiding Principle 29.1, which spells out the right of displaced persons to recover abandoned property and possessions. First, the majority of IDPs in Colombia do not have legal title to the land they left behind. Second, the actors causing displacement, or persons sympathetic to them, often destroy or take possession of property and belongings left behind. Furthermore, IDP participants described the fear caused by the violent acts leading to displacement, which effectively prevented displaced persons from returning to their homes. Given this situation, the workshop encouraged the Government of Colombia to design and implement programmes aimed at recovering IDP property and possessions, in accordance with Principle 29.

65. When recovery of property and possessions is not possible, authorities should facilitate alternative solutions leading to compensation or just reparation. In Colombia, such compensation has not been offered to IDPs. Instead, agrarian reform Law 160 has been applied to IDPs, just as to any other peasant in need of land, making them pay 30 per cent of the total cost of the new plot of land. Workshop participants did not find this system reasonable, given that most IDPs, as a result of violations of human rights or humanitarian law, have lost their belongings and means of making a living. Concern was also expressed that IDPs would have to assume a debt burden so large as to prevent a durable solution to their situation. It was, therefore, suggested that displaced persons should be exempt from paying the 30 per cent charged other land-reform beneficiaries.

66. Finally, looking at Principle 30, the workshop noted with appreciation the Government's openness towards international humanitarian organizations and the unimpeded access afforded these organizations to internally displaced persons. However, concerns were expressed that recently, illegal armed actors had shown signs of a change of attitude towards these organizations and towards their humanitarian support of displaced communities. As of yet, access has not been physically impeded but accusations of impartiality and a generally hostile attitude towards humanitarian NGOs, particularly in the Uraba region, could make national and international NGOs reconsider carrying out their programmes in particular areas on security grounds. The workshop therefore suggested that local and national authorities urgently take all necessary measures, including public information campaigns and public statements, to support and protect the humanitarian activities currently carried out by NGOs in Colombia.

V. CONCLUSIONS AND RECOMMENDATIONS[7]

67. Considering that serious, gross and systematic human rights violations and breaches of international humanitarian law are the foremost direct cause of forced displacement in Colombia, the workshop urged the Government of Colombia to comply with the Guiding Principles and with the international recommendations already made to address the situation, in particular by the United Nations and the OAS Inter-American Commission on Human Rights.

68. The workshop expressed concern that forced displacement had become a military strategy deliberately used by armed actors to establish control over disputed territories. Human rights violations and breaches of humanitarian law causing internal displacement are often predictable in Colombia. Unfortunately, the non-governmental "early warning" systems in place have not triggered timely preventive governmental protection measures. Hence, a State-monitored "early warning - early action" system is urgently needed.

69. In order to comply with Principle 9, indigenous land rights need to be strengthened and the impact of large-scale development projects on the communities carefully considered.

70. The Government of Colombia should, in addition to direct protection measures, initiate a public information campaign to counter the stigmatization of IDPs who are often perceived as parties to the conflict. This campaign should be directed towards the Colombian armed forces, local authorities and the public at large.

71. Given the intensification of the armed conflict, participants acknowledged the difficulties faced by the Government and the armed forces responsible for public safety. However, when examining the need for protection against forcible return to dangerous areas (Principle 15), workshop participants expressed profound concern over the lack of protection, in particular cases of returnees coming under attack by armed actors and being forced to flee a second and third time.

72. While noting that the dimension of the IDP crisis in Colombia has turned into an overwhelming challenge for the Government, national and international participants profoundly lamented the IDP population's current situation of insufficient access to food, shelter, clothing and medical care and called upon the Government to expedite these basic services.

73. The workshop underlined the importance of enhanced coordination among the Government of Colombia, United Nations agencies and national and international NGOs in order to improve protection for IDPs, while noting that coordination would not diminish the State's responsibility vis-à-vis the displaced communities or compromise NGO independence.

74. The workshop noted with appreciation that the Government's special Fund for Peace would dedicate approximately 100 million dollars to humanitarian assistance for displaced communities during the next five years, and that the Social Solidarity Network, currently charged with assistance to IDPs, would contribute additional funds.

75. On the issue of humanitarian organizations' access to IDPs, the workshop called on all armed actors to respect fully the humanitarian nature of the work of national and international organizations providing assistance and protection to IDPs and to ensure their safe access to populations in need.

76. Local and national authorities were encouraged to take urgently all necessary measures, including public information campaigns and public statements, in support of humanitarian activities currently carried out by NGOs in Colombia.

77. Participants regretted that return and resettlement processes have so far not been successfully implemented, sometimes even leading to new displacement. The workshop identified the following five components for successful return, resettlement or reintegration: favourable conditions, adequate means, appropriate safety measures, voluntary nature of return, resettlement or reintegration, and IDP participation.

(a) Workshop participants emphasized the importance of increased presence in areas of return or resettlement to protect the personal safety of IDPs.

(b) The workshop encouraged the Government of Colombia to design and implement programmes aimed at recovering IDP property and possessions, in accordance with Principle 29.

78. The Final Declaration of the workshop reiterated the importance of applying the Guiding Principles to the Colombian IDP situation, as well as to Colombian policies and legal norms relevant to the displaced. Considering the serious lack of protection and attention faced by IDPs in Colombia, the workshop concluded that measures by the Government to prevent displacement and attend to those already displaced would be "proof of real political commitment to resolve the issue."

Notes

[1] The Guiding Principles are contained in United Nations document E/CN 4/1998/53/Add 2.

[2] The GAD (the Support Group for Organizations of Internally Displaced Persons), is a coalition of 13 Colombian human rights NGOs working with displaced populations.

[3] Presidency of the Republic, "Segundo Informe de la Gestion Estatal en Atencion Integral a Poblacion Desplazada por la Violencia", presented to the National Congress in accordance with Law 387, 16 March 1999.

[4] Consultancy on Human Rights and Displacement (CODHES).

[5] Report of the United Nations High Commissioner for Human Rights on the Office in Colombia to the 1999 session of the Commission on Human Rights (E/CN.4/1999/8), para. 150.

[6] Guiding Principle 27.1.

[7] The following conclusions and recommendations summarize the most important points in the Spanish report Memorias and reflect the foremost concerns expressed in the discussions.

Appendix

LIST OF PARTICIPANTS

ACRONYMS

CODHES	Consultancy on Human Rights and Displacement
GAD	Support Group for Organizations of IDPs*
ICRC	International Committee of the Red Cross
IIHR	Inter-American Institute for Human Rights
MNDP	Peruvian Roundtable on Displacement
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees
USCR	U.S. Committee for Refugees

Association of Peasant and Indigenous Women	Maria Emma Prada Bogotá
Brookings Institution	Roberta Cohen Co-Director Project on Internal Displacement Washington D.C. United States of America
	Francis M. Deng Senior Fellow and Representative of the United Nations Secretary-General on Internally Displaced Persons
Center for Political and Economic Research	Onesimo Hidalgo Chiapas, Mexico
Christian Aid	James Lupton National Director Bogotá

* GAD is a coalition of 13 Colombian human rights NGOs working with displaced populations.

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	Gloria Florez Director Asociación para la Promoción Social Alternativa (MINGA) Bogotá
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	Guido Alberto Bonilla Social Solidarity Network
	Ellen Beattie Social Solidarity Network
	Danilo Rojas Director, Special Human Rights Unit Ministry of the Interior
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	Juan Carlos Gomez Head of the Human Rights Office Ministry of Defence
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	Patricia Luna Bogotá
MNDP	José Coronel Coordinator Lima, Peru
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Representatives of the internally displaced	German Bernal Organization of Colombian IDPs Colombia
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	Juan Romana Colombia
	Fabian Taype Peru
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